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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Examiner: Steven A. Brathe

Docket: NI 127

Applicant(s): Jens Herman Jensen

Serial No.: 09/590,905

In Response To
Paper No: 13

Filing Date: 09/June/00

Art Unit: 3652

Title: LOADING PLATFORM SYSTEM WITH SLIDE UNIT

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GROUP 3600

AMENDMENT TRANSMITTAL LETTER

Transmitted herewith is an amendment in the above-identified application. If, as a result of the amendment, an additional fee is required, a check covering such fee is enclosed, the fee being determined as follows:

CERTIFICATE OF MAILING

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on: 1-15-03

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Hon. Commissioner of Patents and Trademarks
Washington, DC 20231

January 14, 2003

SIR:

This is in response to the Official Action dated 11/21/02.

The Examiner has now cited two additional references (Novotney and Brannan) and has rejected claims 1, 3, 4, 6, and 7 under 35 USC 103(a) as being unpatentable over Fretwell 5 556 250 in view of Novotney 2 348 993, Brannen 3 032 214, EP 786 374 and Jap. 101 09 585.

He has further rejected claims 8 – 24 as being obvious from Fretwell in view of Novotney, Brannan, EP 786 374, Jap. Patent 10 109585, Mortenson and Disque (that is 7 patents!).

Fretwell, EP 786 374, Jap. 10 109 585, Mortenson and Disque have been discussed in detail in Applicant's response to the previous office action. Obviously, the Ex-

aminer agrees that these references are not sufficient to reject the present application. Otherwise, he would not have found it necessary to use two additional references to reject the present application.

Concerning the two newly cited references,

Novotney (US 2 348 993) discloses a tailgate assembly for automotive vehicles comprising a tailgate, a transversely extending base member including means for securing it to the frame members of a truck and a loading bed raising and lowering mechanism mounted on the transversely extending base member.

Brannen (US 3 032 214) discloses another tailgate actuating mechanism essentially of the type as disclosed by Novotney except that, in Brannen the loading platform or tailgate support arms are actuated directly by a hydraulic cylinder rather than by cable.

Neither of the references discloses an arrangement in which the platform support arrangement including two spaced parallel beams and a loading platform for lifting and lowering a load a lift actuating device for lifting and lowering the loading platform are all combined in a slide unit which is movable back and forth in the longitudinal direction of the vehicle. The two references furthermore do not disclose, or suggest, that transverse members are provided which are adapted to a particular vehicle support frame that is to different vehicle support beam spacings so that the lifting mechanism itself does not need to be adjusted to the different spacing of the frames of different vehicles.

Rather, the contrary is suggested by the cited references as, in both cases, the lifting mechanism is mounted directly to the transverse frame members so that, for mounting of the lifting mechanism to differently spaced frame members of different vehicles, different transverse frame members and lifting mechanisms are needed – in contrast to the principle employed for the arrangement according to the present invention.

It is therefore quite clear that the two additional references cited by the Examiner fail to render the present invention in any way more obvious than the references, which have been cited by the Examiner in the last Official Action and which were considered not to lead a person skilled in the art to the loading platform system as defined in claim 1 of the present application.

For Applicants' position and arguments concerning the other references, the Examiners attention is directed to the arguments as provided in Applicant's last response, in which these references have been discussed with regard to the remaining claims 1, 3, 4 and 6 – 24.

As the two additional references do not disclose any features which are more pertinent, or better suitable to show the arrangement according to the present invention to be obvious, reconsideration and allowance of claims 1, 3, 4 and 6 – 24 is solicited.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read 'K. Bach'.

Klaus J. Bach, Reg. No. 26832